

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-5, 7-11 and 13-14 are presently active in this case, Claims 6 and 12 having previously been withdrawn from consideration. In the outstanding Office Action Claims 1-5, 7-11 and 13-14 were rejected under 35 USC §103(a) as being unpatentable over Okimoto et al (U.S. patent 6,310,694) in view of Kimishima (U.S. patent 5,978,846).

Applicants respectfully traverse the outstanding grounds for rejection because, in Applicants' view, the pending claims patentably define over the cited references.

In particular, the outstanding Office Action takes the position that Kimishima discloses a printer driver capable of selecting a predetermined data format suitable for the electronic mail transmission from among a plurality of data formats other than a page description language (PDL) format.

However, Kimishima does not relate to a printer, but instead is directed to a communication system for communication between computers. The "system A-side communication program 100" mentioned in the outstanding Office Action and disclosed at column 7, lines 66-67 and column 8, lines 1-34 of Kimishima, is not a printer driver but an interface program for editing into a predetermined communication format each message (start request message, normal message) which is sent from the transmitter side communication job 110 to the receiver side (system B) through the communication line L. Accordingly, the system A-side communication program is completely different from a printer driver, which converts print data into a PDL format and sends the PDL format print data to a printer.

Additionally, even though the system A-side communication program can select a format suitable for electronic mail other than PDL, the communication program is an

interface program between the system A and the communication line L and there is provided another communication program 200 between the communication line L and the system B.

Further, the system B is also not a printer, but instead is another computer to which the system A sends messages through the communication line L. Indeed, system B is a computer system similar to the system A. Thus, the communication program 100 cannot be a printer driver.

Since the outstanding Office Action acknowledges that “Okimoto et al does not disclose: wherein the printer driven’ [sic] is capable of selecting the predetermined data format suitable for the electronic mail transmission from among a plurality of data formats other than a page description language (PDL),” it is respectfully submitted that absent hindsight, Kimishima clearly does not cure the deficiencies in the Okimoto et al patent.

Indeed, it is respectfully submitted that hindsight infuses the outstanding rejection in so far as the outstanding Office Action states no motivation for combining the teachings of the two references, other than that “Kimishima in the same field of endeavor teaches the way the communication data could be made to make the print data at the transmitting side to be formatted to fit the receiving side.” In fact, Kimishima’s field of endeavor, as explicitly stated in Kimishima, is stated as follows:

The present invention relates generally to an inter-computer communication system for performing communications between a plurality of computer systems connected to each other via a communication lines. The present invention relates more particularly to an inter-computer communications system capable of automatically taking activation synchronism of respective computer systems. (Col. 1, lines 7-13)

There is nothing in Kimishima suggesting applicability of the teachings of Kimishima to those of Okimoto et al, and in the absence of such teachings, there is no motivation *in the references themselves* for combining the teachings relied upon. On the contrary, it is

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respectfully submitted that the outstanding rejection is based on hindsight and is traversed on that basis.

Consequently, in light of the above comments, it is respectfully submitted that the outstanding ground for rejection has been traversed and that the pending claims are patentable and in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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